



Title 4 § 1 Positive Law
Flag of the Republic.

:Fred-Francis: :Mark-Edward.
a Private Citizen Pennsylvania
and Illinois are Nativity American
Nationals Under Almighty God and
the common law of the Commonwealth of
Pennsylvania, and Illinois Po Box 98
Bellevue Washington
Zip Exempt [CF98009CF].
425-558-4838.
Not Pro Se, Sur Juris In Propria Persona

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AT SEATTLE
CLERK U.S. DISTRICT COURT
BY WESTERN DISTRICT OF WASHINGTON DEPUTY



12-CV-02048-EXH 15

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

:Fred-Francis and :Mark-Edward,
Real Party's in Interest, appearing In Propria
Persona, with unalienable rights Original
Estate-Article III; Constitution.
Petitioners.

vs.

THOMAS M. WOODS, and JENNY ANNE
DURKAN, and ANDREW D FRIEDMAN,
THE UNITED STATES ATTORNEYS
OFFICE and CJA ADMINISTRATION
FEDERAL PUBLIC DEFENDER'S
OFFICE and NANCY TENNEY, and
BRIAN A. TSUCHID and ROBERT
STEPHEN LASNIK, and TIMOTHY F.
GEITHNER and R.A. MITCHELL and
CHARLES WASHINGTON, and
MICHAEL BALL, All "policy" employees
of UNITED STATES OF AMERICA, not a
party, (A federal entity which is not the de
jure united States of America). All agents of
a foreign principal with false claims in
assumpsit to rights in the original estate-
Article III; Constitution for Case CR12-

Admiralty Case No. _____
(Original Estate-Article III; Constitution)

For Libel of Review

MEMORANDUM IN SUPPORTING
JURISDICTIONAL CHALLENGE
CASE CR12-262RSL

Re: Criminal Case CR12-262RSL, false
claim in *assumpsit* to rights in the original
estate-Article III; Constitution,
Memorandum within & Interrogatory's.

No Magistrates. No one may handle this
case but an Article III judge The nature
of this cause is Injunctive relief, albeit
preemptive. Title 28 U.S.C. §636(b)(1)(A).

To Respondents Do not Alter the names of
the Petitioners to all Caps in your
responses to avoid tort for fraud and
Identity theft and character assassination
and constitutional violations.

262RSL. & DOES 1-200.
Respondents.

**By Special Appearance Rule E(8) Filed
under a Full Reservation of Unalienable
Rights By Real Party In Interest.**

MEMORANDUM IN SUPPORTING JURISDICTIONAL CHALLENGE
CASE CR12-262RSL

Comes now Petitioners of the Nomen family Frink and Hill speaking for our family and estate, We are regenerate men in the faith of Yahoshua H'Mashiach **יְהוֹשֻׁעַ הַמָּשִׁיחַ** and making a special visitation by absolute ministerial right to the district court, "restricted appearance" under Rule E (8) and claim under Federal Rules of procedure Rule (h).

Municipal agents Respondents and there appointed office has been making false claims and this counterclaim and notice lis pendens are now in the "exclusive original cognizance" of the United States through the district court - see the First Judiciary Act of September 24, 1789, Chapter 20, page 77.

Petitioners appearing In Propria Persona, who is the natural born free men under Almighty God known as Sur Names :Fred-Francis of the Nomen Family Frink and Mark Edward of the Nomen Family Hill and who are not artificial "U.S. citizens" We, :Fred-Francis and :Mark Edward are the Real Party in Interest, being a sovereign State's born Private Citizen of the sovereign State of the Union known as the Commonwealth State of Pennsylvania and Illinois.

We, Civilian Citizen , Fred Francis and Mark Edward possess inherent and unalienable rights under the Organic Acts of the united States of America and have never abrogated my rights to be a lesser federal "U.S. citizen" under Article 1, Section 8 of the Constitution of the Republic.

We have been injured by direct threat and a frivolous legal complaint, placed under duress by threat of involuntary servitude exercised under color of law while trying to defend our rights to life and liberty.

¹ **יְהוֹשֻׁעַ הַמָּשִׁיחַ** Yehoshua H'Natzrith V'Molech H'Hadiim -- Jesus
Christ King of the Jews. Hebrew acronym YHVH the Name of God.

:Fred-Francis falsely accused of a crime with out “corpus delecti”, and :Mark-Edward hereinafter We INVOKE all of our inherent and unalienable rights as an American “National” and Private Citizen. Our documents are filed under a full reservation of rights, Our God-given unalienable rights are as affirmed under the common law of the *Articles of Confederation*, the *Northwest Ordinance* and the *Constitution of the united States of America*, its Republic and its Union of States.

Petitioners AS AMERICAN NATIONALS, DO NOT CONSENT to these proceedings! "Case CR12-262RSL" Plaintiff in error, the UNITED STATES OF AMERICA, a foreign entity to my Civilian Citizen status as :Fred-Francis, has acted in error and only represents artificial “U.S. citizens” within its territories under Article 1, Section 8, and adhesion to same denies me, a Civilian, my inherent, inalienable and unalienable rights under the birth law rights of my birth State and the Organic Laws of our sovereign Nation, the united States of America.

Said foreign federal jurisdiction is not a “... Republican Form of Government ...” (*ARTICLE IV, Section 4 – Constitution*) and is not our National Government of the States, but a Federal Government with limited civil rights secured by the Constitution of the Republic under ARTICLE 1, Section 8 and ARTICLE 1, Section 10 thereof.

Memorandum as follows:

- 1) Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to roach merits, but, rather, should dismiss the action.1' *Melo v. US*, 505 F2d 1020.
- 2) The law requires proof of jurisdiction to appear on t h e record of the administrative agency and all administrative proceedings." *Hagans v Lavine*, 415 U. S. 533.
- 3) See US v Lope/ and Hagans v Levine both void because of lack of jurisdiction. In *Lope/*, the circuit court called it right, and in *Hagans* it had to go to the Supreme court before it was called right, in both eases, void.
- 4) Challenge jurisdiction and motion to dismiss, right off the bat. If you read the supreme Court cases you will find that jurisdiction can be challenged at anytime and in the case of *Lope/* it was a jury trial which was declared void for want of jurisdiction. If it [jurisdiction] doesn't exist, it can not justify conviction or judgment. ...without which power (jurisdiction).

5) The state CANNOT be said to be "sovereign." At best, to proceed would be in "excess" of jurisdiction which is as well fatal to the State's/USA's cause. Broom v. Douglas, 75 Ala 208. 57 So 860 the same being jurisdictional facts FATAL to the government's cause (e.g. see In re FNB, 152 F64).

6) A judgment rendered by a court without personal jurisdiction over the defendant is void. It is a nullity. [A judgment shown to be void for lack of personal service on the defendant is a nullity.] Sramek v. Sramek, 17 Kan. App. 2d 573, 570-77, 840 P.2d 553.

7) A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court" OLD WAYNE MUT. L. ASSOC. v. McDONOUGH, 204 U. S. 8, 27 S. 236 (1907).

8) There is no discretion to ignore lack of jurisdiction." Joyce v. U.S. 474 2D Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted." Latana v. Hopper, 102 F. 2d 188; Chicago v. New York 37 F Supp. 150.

9) "The law provides that once State and Federal Jurisdiction has been challenged, it must be proven." Main v. Thiboutot, 100 S. Ct. 2502 (1980).

10) Jurisdiction can be challenged at any time. and 'Jurisdiction, once challenged, cannot be assumed and must be decided." Basso v. Utah Power & Light Co. 495 F 2d 906, 910.

11) "Defense of lack of jurisdiction over t h e subject mailer may be raised at any time, even on appeal." Hill Top Developers v. Holiday Pines Service Corp. 478 So. 2d. 368 (Fla 2nd DCA 1985).

12) "Once challenged, jurisdiction cannot be assumed, it must be proved to exist." Stuck v. Medical Examiners 94 Ca 2d 751. 211 p2d 389.

13) "There is no discretion to ignore that lack of jurisdiction." Joyce v. US, 474 F2d 215.

14) The burden shifts to the court to prove jurisdiction." Rosemond v. Lambert, 469 F2d 416.

15) "A universal principle as old as the law is that a proceedings of a court without jurisdiction are a nullity and its judgment therein without effect either on person or property. Norwood v. Renfield, 34 C 329; Ex parte Giambonini, 49 P. 732.

16) "Jurisdiction is fundamental and a judgment rendered by a court that, does not have

jurisdiction to hear is void ab initio." In Re Application of Wyatt, 300 P. 132; Re Cavitt. 118 P2d 846.

17) "Thus, where a judicial tribunal has no jurisdiction of the subject matter on which it assumes to act, its proceedings are absolutely void in the fullest sense of the term." Dillon v. Dillon, 187 P 27.

18) "A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance." Rescue Army v. Municipal Court of Los Angeles. 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S.Ct. 1409.

19) "A departure by a court from those recognized and established requirements of law, however close apparent adherence to mere form in method of procedure, which has the effect of depriving one of a constitutional right, is an excess of jurisdiction." Wuest v. Wuest, 127 P2d 934, 937.

20) "Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of jurisdiction." Merritt v. Hunter, C.A. Kansas 170 F2d 739.

21) "the fact that the petitioner was released on a promise to appear before a magistrate for an arraignment, that fact is circumstance to be considered in determining whether in first instance there was a probable cause for the arrest." Monroe v. Papa, DC, 111. 1963, 221 F Supp G85.

22) "When acting to enforce a statute and its subsequent amendments to the present date, the judge of the municipal court is acting as an administrative officer and not in a judicial capacity: courts in administering or enforcing statutes do not act judicially, but merely ministerially". Thompson v. Smith. 154 SE 583.

23) "A judge cease^ to sit as a judicial officer because t he governing principal of administrative law provides that courts are prohibited from substituting their evidence, testimony, record, arguments, and rationale for that agency.

24) Additionally, courts are prohibited from substituting their judgment for that of the agency. Courts in administrative issues are prohibited from even listening to or hearing arguments, presentation, or rational." ASIS v. US, 568 F2d 284.

25) "Ministerial officers are incompetent to receive grants of judicial power from the legislature, their acts in attempting to exercise such powers are necessarily nullity's" Burns v. Sup. Ct.. SF, 140 Cal. 1.

26) The elementary doctrine that the constitutionality of a legislative act is open to attack only by persons whose rights are affected thereby, applies to statute relating to administrative agencies, the validity of which may not be called into question in the absence of a showing of substantial harm, actual or impending, to a legally protected interest directly resulting from the enforcement of the statute." Board of Trade v. Olson, 202 US 1; 29 ALR 2d 105.

27) Wherefore the memorandum herein is sound petitioners have challenged Jurisdiction for CR12-262RSL our cause of action for Libel of Review, Common law Counterclaim in Admiralty and Notice lis pendens and verified statement of right supported by affidavit if Citizenship and our Exhibits 1-15 for Re: Criminal Case CR12-262RSL, false claim in *assumpsit* to rights in the original estate-Article III; Constitution is of competent Jurisdiction of the petitioners and the incompetent respondents should dismiss with prejudice.



Title 4 § 1 Positive Law

Flag of the Republic. :Fred-Francis: :Mark-Edward. a Private Citizen
Pennsylvania and Illinois are Nativity American Nationals Under
Almighty God and the common law of the Commonwealth of
Pennsylvania, and Illinois Po Box 98 Bellevue Washington Zip Exempt
[CF98009CF]. 425-558-4838. Not Pro Se, Sur Juris In Propria Persona

Date November 20th 2012.

:Fred Francis

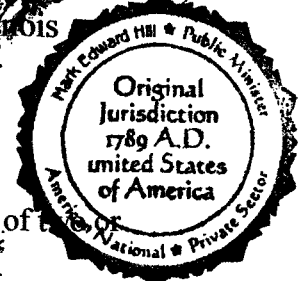
(Lawful seal)

:Fred-Francis: Real Party in interest of the Republic union state
of Pennsylvania American National Nativity Right. I approve
submissions and agree by my lawful seal. All Rights Reserved

:Mark-Edward

(Lawful seal)

:Mark-Edward:, of the Republic Union State of Illinois
American National Nativity Right. Minister of
Justice 1789 Judiciary Act private sector.
All Rights Reserved



King James Bible

Second Corinthians 13:1 This is the third time I am coming to you. In the mouth of
three witnesses shall every word be established